

UNITED STATES DISTRICT COURT
for the
Southern District of Mississippi

Filed

APR 19 2010

U.S. Magistrate Judge

United States of America)
v.)
PHILLIP SCHWALBACH)
)
)

Case No. 3:10-cr-151-LRA

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 04/12/2010 in the county of Lauderdale in the Southern District of Mississippi, the defendant violated 18 U. S. C. § 115(a)(1)(B), an offense described as follows:

That from on or about April 12, 2010 and continuing until on or about April 15, 2010, in Lauderdale County in the Eastern Division of the Southern District of Mississippi, the defendant, PHILLIP SCHWALBACH, did threaten to assault or murder a federal law enforcement officer with intent to impede, intimidate, or interfere with such law enforcement officer while engaged in the performance of official duties, in violation of Title 18, United States Code, Section 115(a)(1)(B).

This criminal complaint is based on these facts:

See attached Affidavit

Continued on the attached sheet.



Complainant's signature

CA
AJ
Graham
Graham Jenkins, F.B.I.

Printed name and title

Sworn to before me and signed in my presence.

Date: 04/16/2010



Judge's signature

City and state: Jackson, Mississippi

Linda R. Anderson, United States Magistrate Judge

Printed name and title

ATTACHED AFFIDAVIT - EXHIBIT A

AFFIDAVIT IN SUPPORT OF ARREST WARRANT

I, Graham J. Jenkins, Special Agent, Federal Bureau of Investigation ("FBI"), being duly sworn, state the following:

1. I am a Special Agent (SA) employed by the FBI, and have been so employed for approximately three (3) years. I am currently assigned to an FBI Counterterrorism squad which includes the Mississippi Joint Terrorism Task Force ("JTTF"). My duties include the investigation of individuals who violate the criminal laws of the United States. The information contained in this affidavit is based on my personal knowledge, information supplied to me by other law enforcement officers, and my review of certain documents and records related to this investigation.

2. This Affidavit is submitted for the limited purpose of supporting an application by the United States of America for the issuance of a warrant to arrest Phillip Schwalbach for committing violations of Title 18, United States Code, Section 115(a)(1)(B), threatening a federal law enforcement officer.

3. On April 12, 2010, Phillip Schwalbach, a law enforcement officer employed by the United States Naval Air Station in Meridian, Mississippi (NAS Meridian), telephonically contacted Officer David Green, a fellow NAS Meridian law enforcement officer whom he has known since 2007. During the telephone call, Officer Schwalbach expressed concern about the possibility of being terminated from his employment at NAS Meridian. Officer Schwalbach, who has been on Workman's Compensation leave for approximately eighteen (18) months, advised Officer Green that he was addicted to his pain medication and that he was suicidal. Officer Schwalbach further stated, "If I lose my job, I'm going to kill the Chief, the Senior Chief, and their families."

4. Schwalbach's statements regarding "the Chief" and "the Senior Chief" are references to Chief Petty Officer Clarence Hoffman, Security Operations Chief, NAS Meridian Security Department, and Senior Chief Petty Officer Ronald Banister, Assistant Security Officer, NAS Meridian Security Department, respectively. Both Chief Hoffman and Senior Chief Banister are active duty United States Navy officers.

5. On April 14, 2010, Officer Green and Tony Best, a volunteer counselor who periodically assists law enforcement agencies throughout Mississippi pursuant to the Mississippi Law Enforcement Alliance for Peer Support (MS LEAPS), visited Officer Schwalbach at his residence in Meridian, Mississippi. During the visit, Officer Schwalbach told Officer Green and Officer Best that he was addicted to pain killers. Officer Schwalbach further expressed concern that he would soon lose his job at NAS Meridian, and stated, "If I lose my drugs, medical and ability to take care of my family, I'm going to kill the Chief, the Senior Chief and their families. I know where they live, and I know the security on base." In response, Officer Green stated to Officer Schwalbach, "You can't be serious!" Officer Schwalback replied, "I'm absolutely serious." Officer Schwalbach then added, "I thought about this all night long about how I was going to kill them and their families."

6. While speaking with Officer Schwalbach at his residence on April 14, 2010, Officer Green observed empty beer containers and a shotgun. Officer Green further advised that Officer Schwalbach's former roommate, whose identity is currently unknown, believes that Officer Schwalbach maintained an AK-47 assault rifle at his residence.

7. On April 15, 2010, Officer Schwalbach called Officer Eric Scott, NAS Meridian Security, and stated that "it was good to work with you, and if I don't see you . . . I'll see you on the other side." When Officer Scott asked Officer Schwalbach whether he was thinking about doing anything "stupid," Officer Schwalbach did not answer, but there was an awkward silence. Officer Schwalbach then said goodbye and hung up the phone.

8. Based on the facts set forth above, I believe there is probable cause to believe that from on or about April 12, 2010 and continuing until on or about April 15, 2010, Phillip Schwalbach did threaten to assault or murder a federal law enforcement officer with the intent to impede, intimidate, or interfere with such law enforcement officer while engaged in the performance of official duties in violation of Title 18, United States Code, Section 115(a)(1)(B). Further, the federal law enforcement officers referred to in this Affidavit are federal law enforcement officers as that term is defined by Title 18, United States Code, Section 115(c)(1).

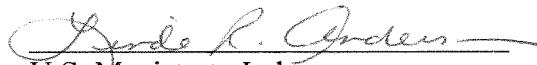
9. I therefore submit this affidavit in support of an application for a warrant to arrest Phillip Schwalbach.

FURTHER THE AFFIANT SAYETH NOT



SA Graham Jenkins
Special Agent
Federal Bureau of Investigation
Jackson, Mississippi

Subscribed and sworn to before me this 16th day of April, 2010.



U.S. Magistrate Judge